APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/646,631	08/22/2003	Theodore Pasquale	1033-T00532	8452

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EXAMINER
LA, NICHOLAS T

ART UNIT	PAPER NUMBER
2617	

DATE MAILED: 09/08/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>13 July 2006</u>.

2a)☒ This action is **FINAL.** 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-20</u> is/are pending in the application.

    4a) Of the above claim(s) <u>15-18</u> is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-14, 19-20</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

        1.☐ Certified copies of the priority documents have been received.

        2.☐ Certified copies of the priority documents have been received in Application No. _____.

        3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

DETAILED ACTION

The Art Unit location of your application in the USPTO has changed. To aid in correlating any papers for this application, all further correspondence regarding this application should be directed to Art Unit 2617.

Response to Arguments

Applicant's arguments with respect to claims 1-20 have been considered but are moot in view of the new ground(s) of rejection.

Claims 15-18 are cancelled.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1-14, 19-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sorvari et al. (US Pub. No. 2004/0043758) and further in view of Cushman et al. (US Patent NO. 6,125,287).

Regarding **claim 1**, Sorvari et al. teaches a prioritizing interface system comprising:

a wireless-enable device comprising a housing component, a display and a user input mechanism, the housing component at least partially defining an internal cavity (Figure 1 shows a housing component that inherently defines an

internal cavity to house the circuitry of the handset MS1 shown in figure 2,

including a display and a keypad and an internal antenna elements 3, 4, 5, 7;

paragraph [0047]);

a display engine located within the internal cavity and operable to initiate

presentation of a menu comprising a plurality of selectable items displayed in

respective menu positions (figure 2, element 10, 8, 5 ; paragraph [0047], [0052],

a micro-browser controls the display a bookmark list including entries in the form

of menu options, i.e., display engine);

a metric engine communicatively coupled to the user input mechanism

and located within the internal cavity, the metric engine operable to track at least

one selection metric for at least one of the selectable items (figure 2, element 10,

8, 3, 4; paragraph [0053], wherein Sorvari et al. discusses if the key 4 selected,

under the control of software 10 being run by controller 8, the appropriate action

will be carried out to navigate and display the selectable option) ;

a priority engine communicatively coupled to the metric engine and

located within the internal cavity, the priority engine operable to determine a

prioritization level for the at least one selectable item, the prioritization level at

least partially based on the at least one selection metric (paragraph [0059],

[0060]; Sorvari et al. discusses a service recommendation engine are configured

to recommend or determined a preferred or desired subset of service according

to user-related filter criteria, i.e., priority engine); and

a mapping engine communicatively coupled to the priority engine and

located within the internal cavity, the mapping engine operable to modify an

assigned menu position for the at least one selectable item in response to a

changed prioritization level for the at least one selectable item (figure 2, element

9, 8; paragraph [0057]-[0058]; Sorvari et al. further discusses a process of

updating the bookmarks list, re-dial lists by removed, shifted the menu position in

response to changed prioritization level for one selectable item, i.e.; mapping

engine).

However, Sorvari et al. does not expressly teach wherein the menu further

comprising a menu locator indicating a location of a current menu within a menu

structure. In an analogous art, Cushman et al. teaches a wireless telephone

having an improved user interface. Cushman et al. further teaches the menu

further comprising a menu locator indicating a location of a current menu within a

menu structure (see Abstract, col. 1, line 60 to 66). Therefore, it would have

been obvious to one ordinary skill in the art at the time of the invention was made

to modify Sorvari et al. to include the menu further comprising a menu locator

indicating a location of a current menu within a menu structure such as taught by

Cushman et al. in order to allow user to control various features within the phone

without requiring numerous keystrokes.

Regarding **claim 10**, Sorvari et al. further teaches an interface

prioritization method comprising:

presenting a menu within a graphical user interface of a wireless-enabled

device, the menu comprising an available menu option displayed in a menu

location (figure 3, paragraph [0052]);

receiving a user input selecting the available menu option; tracking a

selection metric for the available menu option (figure 3, paragraph [0052]-[0053]);

and

using the selection metric to determine an appropriate menu location for

the available menu option (figure 3, paragraph [0053], [0060]; Sorvari et al.

discusses a method upon making the selection by the user, the wireless device is

configured to allow the user to access to the desired services, i.e., appropriate

menu location).

displaying the available menu option in the determined appropriate menu

location if a metric-based menu display is selected (Figure 3; 9A-9J; paragraph

[0053], [0237]-[0261]);

displaying the available menu option in a preset menu location if a preset

display setting is selected (Figure 3; 9A-9J; paragraph [0053], [0076], [0237]-

[0261]; Sorvari et al. further teaches short-cuts or menus structure are predefined

and generated);

However, Sorvari et al. teaches using numbers in menus however, does

not expressly teach wherein the menu further comprising a metric based menu

setting. In an analogous art, Cushman et al. teaches a wireless telephone

having an improved user interface. Cushman et al. further teaches the menu

further comprising a metric based menu setting (Abstract, col. 6, line 23 to 35).

Therefore, it would have been obvious to one ordinary skill in the art at the time

of the invention was made to modify Sorvari et al. to include the menu further

comprising a metric based menu setting such as taught by Cushman et al. in

order to allow user to control various features within the phone without requiring

numerous keystrokes.

Regarding **claim 19**, Sorvari et al. further teaches a computer-readable

medium having computer-readable data operable to initiate presentation of a

menu (paragraph [0051]) comprising a plurality of selectable items displayed in

respective menu positions (see figure 3), to track at least one selection metric for

at least one of the selectable items (figure 2, element 10, 8, 3, 4; paragraph

[0053], wherein Sorvari et al. discusses if the key 4 selected, under the control of

software 10 being run by controller 8, the appropriate action will be carried out to

navigate and display the selectable option), to determine a prioritization level for

the at least one selectable item at least partially based on the at least one

selection metric (paragraph [0059], [0060]; Sorvari et al. discusses a service

recommendation engine are configured to recommend or determined a preferred

or desired subset of service according to user-related filter criteria), and to modify

an assigned menu position for the at least one selectable item in response to a

changed prioritization level for the at least one selectable item (figure 2, element

9, 8; paragraph [0057]-[0058]; Sorvari et al. further discusses a process of

updating the bookmarks list, re-dial lists by removed, shifted the menu position in

response to changed prioritization level for one selectable item), to store a user

preference setting (Figure 9D-E, paragraph [0022]; [0079]), to display a menu

option in the assigned appropriate menu location if a metric-based menu display

is selected (Figure 3; 9A-9J; paragraph [0053], [0237]-[0261]), and to displaying

the available menu option in a preset menu location if a preset display setting is selected (Figure 3; 9A-9J; paragraph [0053], [0076], [0237]-[0261]; Sorvari et al. further teaches short-cuts or menus structure are predefined and generated);

However, Sorvari et al. teaches using numbers in menus however, does not expressly teach wherein the menu further comprising a metric based menu setting. In an analogous art, Cushman et al. teaches a wireless telephone having an improved user interface. Cushman et al. further teaches the menu further comprising a metric based menu setting (Abstract, col. 6, line 23 to 35). Therefore, it would have been obvious to one ordinary skill in the art at the time of the invention was made to modify Sorvari et al. to include the menu further comprising a metric based menu setting such as taught by Cushman et al. in order to allow user to control various features within the phone without requiring numerous keystrokes.

Regarding **claim 2**, Sorvari et al. further teaches a system further comprising a plurality of secondary selectable items displayable by the display engine in response to receipt of a user input identifying the at least one selectable item (figure 9A, 12, 13, 16A, 16B, paragraph [0237]).

Regarding **claim 3**, Sorvari et al. further teaches a system, wherein the metric engine is further operable to track a selection metric for at least one of the plurality of secondary selectable items (paragraph [0237]-[0261]).

Regarding **claim 4**, Sorvari et al. further teaches a system, further

comprising: a memory located within the internal cavity; and a data store resident

on the memory, the data store comprising a template with fields representing

assignable menu positions, at least one of the fields linked to the at least one

selectable item (figure 2, element 9; paragraph [0057]).

Regarding **claim 5**, Sorvari et al. further teaches a system, wherein the

mapping engine links the at least one selectable item to a different field to modify

the assigned menu position for the at least one selectable item (figure 2,

paragraph [0057]-[0058]).

Regarding **claim 6**, Sorvari et al. further teaches a system, wherein the

wireless-enabled device is selected from the group consisting of a cellular

telephone, a cordless telephone, a notebook computer, an audio player, a video

player, and a gaming device (figure 1, 3; paragraph [0083]).

Regarding **claim 7**, Sorvari et al. further teaches a system, further

comprising:

a memory located within the internal cavity (figure 2, element 10);

a plurality of secondary selectable items displayable by the display engine

in response to receipt of a user input identifying the at least one selectable item

(figure 9A, 12, 13, 16A, 16B, paragraph [0237]);

the primary template having fields representing assignable menu

positions, at least one of the fields linked to the at least one selectable item, the

at least one of the fields additionally linked to the secondary template (figure 2,

element 9; paragraph [0057]; (figure 9A, 12, 13, 16A, 16B, paragraph [0237]);

the secondary template having fields representing dependent menu

positions linked to the respective secondary selectable items (figure 9A, 12, 13,

16A, 16B, paragraph [0237])-[0261]; and

a data store resident on the memory, the data store comprising the

primary template and the secondary template (Figure 12, paragraph [0187],

[0221]).

Regarding **claim 8**, Sorvari et al. further teaches a system, wherein the

mapping engine links the at least one selectable item to a different field of the

primary template to modify the assigned menu position for the at least one

selectable item (figure 2, paragraph [0057]-[0058]).

Regarding **claims 9,** Sorvari et al. further teaches a system, further

comprising a preset display template linking the plurality of selectable items to

fixed menu positions (paragraph [0076]).

Regarding **claims 11, 12, 13, 14**, Sorvari et al. further teaches a method

comprising storing a presentation template in memory local to the wireless-

enabled device, the presentation template comprising fields representing

assignable menu positions, wherein a first field represents the menu location

and a second field represents a modified location (figure 9A, 16A-B, paragraph

[0186], [0221], [0237]-[0261], wherein main menu, sub-menu, i.e., template;

options, i.e., fields; Sorvari et al. also discusses storing in a local file system

directory to the wireless device an example the specifies the allowed order,

structure, and meaning of the tags for the new recommendations. Sorvari et al.

further discusses a user can select an option, the selection will link to an

available menu option to the sub-menu. Sorvari et al. also discusses there are

many options available to the menu so that a selection of any of the options will

be determined to link to an appropriate sub-menu in means of removing the

initial link associating with the first template and fields).

Regarding **claim 20**, Sorvari et al. further teaches a computer-readable

medium, comprising additional computer-readable data operable to maintain a

template with fields representing assignable menu positions, at least one of the

fields linked to the at least one selectable item, and to link the at least one

selectable item to a different field in order to modify the assigned menu position

for the at least one selectable item (figure 6, 7; paragraph [0051], [0057]).

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection

presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**.

See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nicholas T. La whose telephone number is (571)-272-8075. The examiner can normally be reached on Mon-Fri 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lester Kincaid can be reached on (571)-272-7922. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from

the Patent Application Information Retrieval (PAIR) system. Status information

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free). If you would like assistance from a USPTO Customer Service

Representative or access to the automated information system, call 800-786-

9199 (IN USA OR CANADA) or 571-272-1000.

Nicholas La
08/22/2006

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